

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN DAVID CROCKER,

Plaintiff,

v.

EL DORADO COUNTY SUPERIOR
COURT, SOUTH LAKE TAHOE
DIVISION, et al.,

Defendants.

No. 2:22-cv-00499-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
MOTION FOR A TEMPORARY
RESTRAINING ORDER, AND DISMISSING
THIS ACTION

(Doc. Nos. 4, 6)

Plaintiff Benjamin David Crocker, proceeding *pro se* and *in forma pauperis*, initiated this civil action on March 17, 2022, in which plaintiff appears to be challenging his December 2021 arrest and subsequent criminal prosecution in state court. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 20, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for a temporary restraining order (Doc. No. 4) be denied and that this action be dismissed because plaintiff's underlying state criminal proceedings are still pending. (Doc. No. 6 at 3–5.) Thus, the magistrate judge concluded that application of the *Younger* abstention doctrine requires dismissal of this action without prejudice. (*Id.* at 4, n.3) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). Those pending findings and recommendations

1 were served on plaintiff and contained notice that any objections thereto were to be filed within
2 fourteen (14) days after service. (*Id.*) To date, no objections to the pending findings and
3 recommendations have been filed, and the time in which to do so has now passed.

4 On July 21, 2023, plaintiff filed a first amended complaint, without having first obtained
5 leave from the court to do so. (Doc. No. 7.) Nevertheless, the undersigned has reviewed
6 plaintiff's proffered first amended complaint and finds that dismissal of this action remains
7 appropriate pursuant to the application of the *Younger* abstention doctrine.

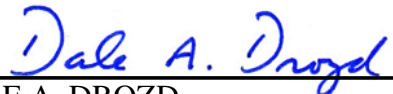
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 findings and recommendations are supported by the record and by proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on July 20, 2023 (Doc. No. 6) are
13 adopted in full;
- 14 2. Plaintiff's motion for a temporary restraining order (Doc. No. 4) is denied;
- 15 3. This action is dismissed; and
- 16 4. The Clerk of the Court is directed to close this case.

17 IT IS SO ORDERED.

18 Dated: September 24, 2023

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20 DALE A. DROZD
21 UNITED STATES DISTRICT JUDGE
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